



BUCKET NO.: JJPR-0027 (ORT-1462)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:

Loretta Itri *et al.*

Application No.: 09/921,516

Filing Date: August 1, 2001

For: Improved Anti-Viral and Anti-Tumor Chemotherapy by Administration of Erythropoietin

Confirmation No.: 6089

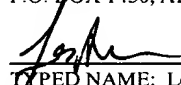
Group Art Unit: 1642

Examiner: Karen A. Canella

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DATE OF DEPOSIT: March 21, 2005

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID, ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.


TYPED NAME: Leslie E. Aberman
REGISTRATION NO.: 54,836

Applicant-Initiated Interview Summary

Date of Interview: March 18, 2005

Interview Type: ☐ Personal ☒ Telephonic ☐ Electronic Mail ☐ Video Conference ☐ Other:

Participants:

From PTO: (Include Name and Title)

1. Jeffrey Siew, Supervisory Examiner

For Applicant:

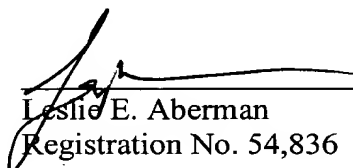
1. Leslie E. Aberman, Attorney

An agreement ☒ was ☐ was not reached.

☒ The interview is summarized below.

It was agreed during the interview conducted on March 18, 2005 that the time for responding to the Office Action mailed September 21, 2004 would be restarted as the Action was mailed to the wrong correspondence address. Attached as Appendix A is a printout from PAIR (Patent Application Information Retrieval) indicating that the time for response was restarted on March 18, 2005 and that no response is due at this time.

Date: March 21, 2005



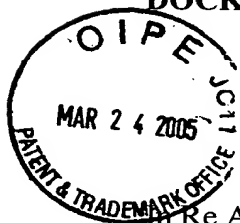
Leslie E. Aberman
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82W
1642

DOCKET NO.: JJPR-0027(ORT-1462)

PATENT



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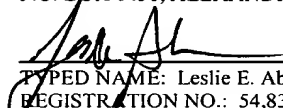
Filing Date: August 1, 2001

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For: **Improved Anti-Viral And Anti-Tumor Chemotherapy By Administration Of Erythropoetin**

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TYPED NAME: Leslie E. Aberman
REGISTRATION NO.: 54,836

☒ MS Amendment ☐ MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY TRANSMITTAL LETTER

- ☐ A Preliminary Amendment.
- ☒ A Reply Responsive to the Office Action Dated September 21, 2004.
- ☐ A Reply Supplemental to the Paper filed .
- ☐ A Substitute Specification (pages 1 -) in clean form.
- ☐ A substitute specification (pages 1 -) with markings.
- ☐ An Abstract is enclosed.
- ☐ replacement sheets of drawings are enclosed comprising figures .
- ☐ Request is hereby made to accept black and white photograph(s) in this case, as they are the only practicable medium for illustrating the claimed invention. One (1) set of black and white photographs comprising figure(s) is submitted herewith.

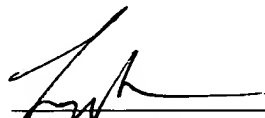
- ☐ Petition is hereby made to accept drawing(s)/photograph(s) in this case.
 - ☐ Three (3) sets of color drawing(s)/photograph(s) and black and white photocopy that accurately depicts to the extent possible, the subject matter shown in the color drawing(s)/photograph(s), are enclosed, comprising figures
 - ☐ An amendment to the first paragraph in that portion of the Brief Description of the Drawings is also enclosed herewith advising that the patent contains at least one drawing/photograph in color.
- ☐ A Certified Copy of each of the following applications: is enclosed.
- ☐ An Associate Power of Attorney is enclosed.
- ☒ Supplemental Information Disclosure Statement.
 - ☒ Attached Form 1449.
 - ☒ A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
- ☐ A Terminal Disclaimer is attached.
- ☒ Appendices as follows: Applicant-Initiated Interview Summary.
- ☒ Other: Appendix "A".
- ☐ **No Additional Fee is Due.**
- ☐ Applicant(s) has previously claimed small entity status under 37 CFR § 1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR § 1.27 as
- ☐ This application is no longer entitled to small entity status. It is requested that this be noted in the files of the U.S. Patent and Trademark Office.

				SMALL ENTITY		NOT SMALL ENTITY	
	REMAINING AFTER AMENDMENT	HIGHEST PAID FOR	EXTRA	RATE	FEE	RATE	FEE
TOTAL CLAIMS	3	(20 MINIMUM) 28	0	\$25 EACH	\$	\$50 EACH	\$00
INDEP. CLAIMS	1	(3 MINIMUM) 4	0	\$100 EACH	\$	\$200 EACH	\$00
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$180	\$	\$360	\$
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$60	\$	\$120	\$
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$225	\$	\$450	\$
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$510	\$	\$1020	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$795	\$	\$1590	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME				\$1080	\$	\$2160	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$)	minus	(\$)
<input type="checkbox"/> TERMINAL DISCLAIMER				\$65	\$	\$130	\$
<input checked="" type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS: Supplemental Information Disclosure Statement							\$180.00
TOTAL FEE DUE					\$		\$180.00

- ☒ A check in the amount of **\$180.00** is attached. Please charge any deficiency or credit any overpayment to Deposit Account 23-3050.
- ☐ Please charge Deposit Account No. 23-3050 in the amount of .00 . This sheet is attached in duplicate.
- ☐ Petition is hereby made under 37 CFR § 1.136(a) (fees: 37 CFR § 1.17(a)(1)-(4)) to extend the time for response to the Office Action of _____ to and through _____ comprising an extension of the shortened statutory period of _____ month(s).

- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account 23-3050. This sheet is provided in duplicate.

Date: March 21, 2005



Leslie E. Aberman
Registration No. 54,836

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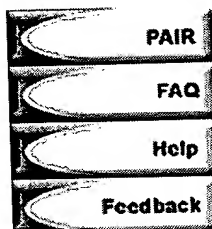
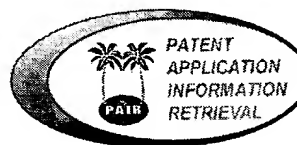
Appendix "A"



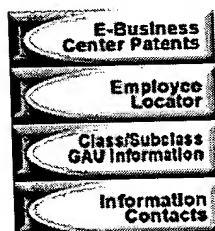
United States Patent and Trademark Office

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PATENT APPLICATION INFORMATION RETRIEVAL



Other Links



Printer Friendly Version

Search results as of: 3-21-2005::14:13

Search results for application number:09/921,516

Application Number:	09/921,516	Customer Number:	23377
Filing or 371(c) Date:	08-01-2001	Status:	Non Final Act Mailed
Application Type:	Utility	Status Date:	03-18-2005
Examiner Name:	CANELLA, KAREN A	Location:	ELECTRONIC
Group Art Unit:	1642	Location Date:	-
Confirmation Number:	6089	Earliest Publication No:	US 2002-0052
Attorney Docket Number:	ORT-1462	Earliest Publication Date:	05-02-2002
Class/ Sub-Class:	424/085.5	Patent Number:	-
First Named Inventor:	Loretta Itri, Westfield, NJ	Issue Date of Patent:	-
Title Of Invention:	Anti-viral and anti-tumor chemotherapy by administration of erythropoietin		

Select Search Option

Assignments

Continuity Data

Image File Wrapper

Publication Review

Published Documents

Search

File History

Date	Contents Description
03-21-2005	Mail Miscellaneous Communication to Applicant
03-18-2005	Miscellaneous Communication to Applicant - No Action Count
03-18-2005	Restart Response of action
03-18-2005	Correspondence Address Change
09-21-2004	Mail Non-Final Rejection
09-20-2004	Non-Final Rejection
07-09-2004	Date Forwarded to Examiner
06-25-2004	Response to Election / Restriction Filed
06-25-2004	Request for Extension of Time - Granted
06-25-2004	Workflow incoming amendment IFW
11-26-2003	Mail Restriction Requirement
11-26-2003	Requirement for Restriction / Election
11-21-2003	Case Docketed to Examiner in GAU
09-16-2003	Date Forwarded to Examiner
08-11-2003	Response to Election / Restriction Filed

08-11-2003	Request for Extension of Time - Granted
04-11-2003	Mail Restriction Requirement
04-10-2003	Requirement for Restriction / Election
10-29-2002	Case Docketed to Examiner in GAU
09-16-2002	Case Docketed to Examiner in GAU
01-31-2002	Information Disclosure Statement (IDS) Filed
12-03-2001	Information Disclosure Statement (IDS) Filed
12-19-2001	Case Docketed to Examiner in GAU
11-29-2001	Application Dispatched from OIPE
11-28-2001	Application Is Now Complete
09-10-2001	Notice Mailed--Application Incomplete--Filing Date Assigned
09-07-2001	Correspondence Address Change
08-13-2001	IFW Scan & PACR Auto Security Review
08-01-2001	Initial Exam Team nn

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